

## REMARKS

This application has been reviewed in light of the Office Action dated December 22, 2006. Claims 49-72 are presented for examination, of which Claims 49, 60, 71 and 72 are in independent form. Claims 49, 50, 60, 61, 69, 71 and 72 have been amended to define Applicant's invention more clearly. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 49-72 were rejected under 35 U.S.C. § 102(e) as being anticipated by (U.S. Patent 6,073,142, *Geiger et al.*).

In the aspects of the present invention to which the present independent claims are directed, an E-mail to be sent to a communication apparatus is first stored in a mail box provided on an E-mail server connected to the communication apparatus through a network. On such a premise, before the E-mail is received from the E-mail server, a discrimination is made, based on attribute information of the E-mail, whether or not to receive the E-mail. Then, if it is discriminated to receive the E-mail, then the E-mail is actually received from the E-mail server by the communication apparatus. On the other hand, if it is discriminated not to receive the E-mail, then the E-mail is not received from the E-mail server by the communication apparatus, and a further discrimination is made as to whether or not to receive another E-mail that has been stored in the mail box and has been discriminated not to be received.

More specifically, independent Claim 49 is directed to a communication apparatus which is connected to an E-mail server via a network, the apparatus comprising a receiving unit, a first obtaining unit and a discrimination unit. The receiving unit receives an E-mail from the E-mail server which is to be sent to the communication apparatus, stored in a mail box provided on the E-mail server, and the first obtaining unit obtains attribute information of the E-mail stored in the mail box. The discriminating unit makes a discrimination as to

whether or not to receive the E-mail stored in the mail box, and does this before the receiving unit receives the E-mail from the E-mail server. The discrimination is made based on the attribute information obtained by the first obtaining unit. In a case where the discrimination is that the E-mail should be received, the receiving unit receives the E-mail from the E-mail server, while in a case where the discrimination is that the E-mail should not be received, the receiving unit does not receive the E-mail from the E-mail server and the discriminating unit further makes a discrimination as to whether or not to receive a different E-mail that is stored in the mail box.

By virtue of the structure of the apparatus set out in Claim 49, as a result of the discrimination executed before the E-mail is received from the E-mail server, even if there is an E-mail discriminated not to be received (call it “E-mail A” for convenience), the process does not end directly, and it is further discriminated whether or not to receive the E-mail (“E-mail B”), other than the E-mail A, stored in the mail box of the E-mail server. Thus, it is possible to ensure that the E-mail to be received, is received, and is not left in the mail box.

On the other hand, *Geiger* apparently uses a business rule provided by an organization such as a company or the like, and applies that rule to an E-mail system. That is, in *Geiger*, if an E-mail conforming to a predetermined condition (e.g., “capacity is too large”, “number of attached files is too large”, etc.) is received externally, the relevant E-mail is deleted or transferred to an administrator according to the previously set business rule. Specifically, in *Geiger*, when an E-mail addressed to the E-MAIL CLIENT 110 arrives, the REPO 102 determines which arbitrary action (“deletion” or “transfer”) to take for the arrived E-mail according to a business rule. This takes place before the arrived E-mail is actually delivered to the E-MAIL CLIENT 110, and then the REPO 102 executes the determined action.

For example, if the business rule “if an E-mail having a data amount larger

than a predetermined data amount has arrived, the arrived E-mail is deleted” has been set, an actually arrived E-mail having a data amount larger than the predetermined data amount is not delivered to the E-MAIL CLIENT 110 but is deleted. However, unlike an apparatus structured according to Claim 49, the REPO 102 in *Geiger* determines, after receiving the E-mail from another device, what kind of action should be executed on the received E-mail. This is quite different from the apparatus of Claim 49, which executes the determination (discrimination) before receiving the E-mail. Here, it should be noted that the “other device” is “client e-mail application or other message source” in *Geiger* (column 17, lines 10-11), and is the “E-mail server” in Claim 49. Accordingly Applicant believes that the aspect of the present invention in Claim 49 is clearly distinguishable from *Geiger* in which, after the E-mail is received from the server, the action to be applied is discriminated, and then releasing or routing of the action is executed.

That is, as explained above, the above important features of the apparatus of Claim 49 are not disclosed or suggested in *Geiger*, and the *Geiger* system cannot provide the benefit of the apparatus of Claim 49. Accordingly, it is believed that Claim 49 is allowable over that patent.

Independent Claims 60, 71 and 72 are method, program, and computer memory medium claims, respectively, corresponding to apparatus Claim 49, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 49.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P Diana/

Leonard P. Diana

Attorney for Applicant

Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 624956v1